

REMARKS

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103 or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Amended claims 1-9 are in this application.

Claims 1-9 were apparently rejected under 35 U.S.C. 112 and objected to for a number of reasons. Claims 1-9 as presented herein are believed to overcome such 112 rejections and objections.

Claims 1-2, 4-5, and 7-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Beaudet et al. (USPN: 5,559,945) as applied to claims above and in view of Sudo (USPN: 5,856,827).

Independent claim 1 has been amended herein so as to recite in part the following:

"a display means for displaying a window and a setting screen for a predetermined object to be operated on a display screen; ...

wherein the window includes one of (i) information corresponding to each of the plural number of menu items from said setting screen and (ii) information corresponding to the rotation operation and push operation." (Underlining and bold added for emphasis.)

In explaining the above 103 rejection, the Examiner appears to rely on Beaudet and, in particular, lines 62-67 of column 2 and lines 45-50 of column 7 thereof, for disclosing the

display means of claim 1. Although the portions of Beaudet relied upon by the Examiner (hereinafter, merely "Beaudet") appear to disclose a control window having first and second zones, Beaudet does not appear to disclose that its control window includes "one of (i) information corresponding to each of the plural number of menu items from said setting screen and (ii) information corresponding to the rotation operation and push operation."

Accordingly, it is believed that amended claim 1 is distinguishable from the applied combination of Beaudet and Sudo. For somewhat similar reasons, it is submitted that amended independent claims 4 and 7 are also distinguishable from Beaudet and Sudo as applied. Claims 2, 5 and 8 depend from one of claims 1, 4, and 7 and are therefore also distinguishable from the applied combination of Beaudet and Sudo for at least the reasons previously described.

The Examiner stated that claims 3, 6, and 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims. Claims 3, 6, and 9 have been rewritten herein in independent form so as to respectively include limitations of the base claims. (Note—there were no intervening claims.) The preamble of amended claim 9 has been revised from that of original claim 7 (from which claim 9 was originally dependent). Amended claims 3, 6, and 9 are believed to overcome the 112 rejections. Accordingly, amended claims 3, 6, and 9 are believed to be allowable.

This is in response to the Examiner's statement of reasons for allowance included in the present Office Action mailed February 13, 2003. To the extent the Examiner's statement of reasons for allowance states, implies or is construed to mean that the claims are allowable over the prior art of record because the Examiner believes the claims should be interpreted to include one or more features or limitations not recited therein, Applicants' attorney disagrees

with such an interpretation. Moreover, it is Applicants' contention that there is no particular limitation in the allowed claims that is more critical than any other. The issuance of Examiner's statement of reasons for allowance should not be construed as a surrender by Applicants of any subject matter. It is the intent of Applicants, by their attorney, to construe the allowed claims so as to cover the invention disclosed in the instant application and all equivalents to which the claimed invention is entitled.

The Examiner has made of record, but not applied, a number of U.S. patents. Since none of these references have been specifically applied to the present claims, no comments pertaining thereto are provided herein. It is respectfully requested that if the Examiner wishes to apply any or all of these references that the Examiner specifically do so, whereupon such reference or references will be fully considered.

It is to be appreciated that the foregoing comments concerning the disclosures in the cited prior art represent the present opinions of the applicants' undersigned attorney and, in the event, that the Examiner disagrees with any such opinions, it is requested that the Examiner indicate where in the reference or references, there is the bases for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
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